

St. Louis City Ordinance 64406

FLOOR SUBSTITUTE

BOARD BILL NO. [98] 44

INTRODUCED BY ALDERMAN ROBERT RUGGERI

An Ordinance recommended by the Airport Commission and the Board of Estimate and Apportionment establishing certain ground transportation policies for Lambert St. Louis International Airport (the "Airport"); containing a definitions section; authorizing the Airport Director to issue regulations governing the conduct of ground transportation operators at the Airport, to enter into, execute, issue and amend Airport ground transportation use agreements (◆Permits◆) and renew Permits to ground transportation operators, and to establish procedures for determining adjusted gross receipts; requiring any ground transportation operator to secure a Permit to use designated areas at the Airport to conduct its business; establishing a schedule of fees and charges which must be paid by ground transportation operators at the Airport as a condition precedent to the rights granted to the operator under the Permit; prohibiting soliciting by ground transportation operators, off Airport rental car operators and off-Airport parking operators; providing for the filing by ground transportation operators of certain reports with the Airport Director and for the auditing of the reports; providing for denial, suspension or revocation of a permit for cause and a procedure for appealing the denial, suspension or revocation; and containing a severability clause.

WHEREAS, the City of St. Louis (the "City") has constructed airport facilities and adjoining airport roadways and curbsides at the Lambert-St. Louis International Airport (the "Airport") for the purpose of moving airline passengers and others to and from the Airport terminals; and WHEREAS, by the enactment of this Ordinance, the City and the Airport Authority seek to improve the safety and efficiency of operation of Airport roadways and curbsides, to preserve Airport revenues by recovering the costs of providing, maintaining and operating Airport roadways and curbsides, and to generate additional revenues to offset the general costs of providing and maintaining all of the Airport facilities, all of which the Airport Commission, Board of Estimate and Apportionment and this Board of Aldermen find are in the best interests of the City, the Airport and the traveling public; and WHEREAS, those who operate commercial ground transportation services and those who provide off Airport parking and off Airport rental cars benefit from the

privilege of access to and use of the Airport and access to air travelers, and it is usual and customary for airports to charge fees for this privilege and access.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION 1. Definitions: The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section:

A. "Adjusted Gross Receipts" means Gross Receipts less the fixed dollar amount established in Section 2. C. of this Ordinance.

B. "Airport" means Lambert St. Louis International Airport, which is owned and operated by the City of St. Louis.

C. "Airport Authority" means the City of St. Louis department responsible for managing and operating the Airport.

D. "Airport Director" means the Director of Airports for Lambert St. Louis International Airport or his designee.

E. "City" means the City of St. Louis, a municipal corporation of the State of Missouri.

F. "Designated Area" means those areas of the Airport roadways and parking areas designated by St. Louis County Ordinance, by the City, by the Airport Authority, or by the Airport Director for specified uses by specified Ground Transportation Operators or classes of Ground Transportation Operators.

G. "Dwell Time" means the total time, in minutes, a vehicle spends in a Designated Area, from its entrance to its exit.

H. "Gross Receipts" means the total amount charged to customers, except as otherwise provided below:

1. Gross Receipts shall include, but are not limited to, the following: charges for all rental car services including all time and mileage charges, net of any discounts, on vehicles rented at an Off Airport Facility or on vehicles taken by customers from an Off Airport Facility regardless of what station or establishment may receive the vehicles or the rent from them, including vehicles taken by customers in exchange for vehicles originally rented or taken by customers at an Off Airport Facility; drop charges charged to customers

renting vehicles at an Off Airport Facility but delivering them to another location; all monies paid or payable for personal accident insurance coverage; surcharges or other miscellaneous fees (e.g. recovery of automobile property taxes, vehicle title and registration fees or sales tax on purchase of rental vehicle); all other monies charged to or collected from customers for associated service and equipment (e.g., child restraint devices and telecommunications devices); and shall include all monies or charges separately stated and collected to recover the Airport permit fee, Airport rent, or any other Airport fee or charge, except those specifically excluded below.

2. Gross Receipts shall not include the following: monies recovered from insurance or otherwise for damage to or for loss, conversion or abandonment of vehicles or other property; taxes or payments in lieu of taxes levied by an Off Airport Rental Car Operator on behalf of competent governmental authority which taxes or payments are required by law to be separately stated and collected from customers; monies separately stated and collected from customers for collision damage waivers and loss damage waivers; monies separately stated on customers' rental agreements and collected from customers for refueling of vehicles; proceeds from the disposal of an Off Airport Rental Car Operator's owned equipment or vehicles sold wholesale; payments by customers for vehicles dropped off at an Off Airport Facility and originally rented at another Airport facility to which the Off Airport Rental Car Operator pays a fee; and credits for refunds to customers for sales made at an Off-Airport Facility; all monies paid for non-Airport rentals, supported by certification on the rental agreement that the customer was not transported, either by the Off-Airport Rental Car Operator or by others, from the Airport to the Off-Airport Rental Car Operator's Off-Airport Facility and that the customer had not arrived by passenger aircraft at the Airport within the 24 hours preceding the rental.

I. "Ground Transportation Operator" means any individual, partnership, corporation or other business entity (except any public, tax supported transit agency or authority) that provides ground transportation services at, to or from the Airport, or that uses Airport roadways or parking areas in providing ground transportation services. Ground Transportation Operators include, but are not limited to, all of the following which operate at, to or from the Airport or use Airport roadways or parking areas: taxicabs, scheduled and non scheduled vans, custom limousines, scheduled buses, Off Airport Parking Operators, Off Airport Rental Car Operators, courtesy vehicles (including hotel/motel, off airport parking, and off airport rental car shuttles), and charter buses.

J. "Non Airport Related Business" means Gross Receipts from business transacted with customers that have not arrived at, and will not depart from, the Airport within 24 hours of any aspect of the business transaction.

K. "Off Airport Facility" means any business establishment or facility that is owned, operated or used by an Off Airport Rental Car Operator or an Off Airport Parking Operator in conducting its business.

L. "Off Airport Parking Operator" means any individual, partnership, corporation or other business entity (except any public, tax supported transit agency or authority) that provides vehicle parking and related services, e.g., vehicle washing, at a facility located off the Airport's property and that draws customers from the Airport, whether it picks up and drops off passengers with its own employees and equipment or otherwise. This includes hotels, Off-Airport Rental Car Operators or other ground transportation operators, which provide parking services to the public.

M. "Off Airport Rental Car Operator" means any individual, partnership, corporation or other business entity (except any public, tax supported transit agency or authority) that provides rental car services and does not have an Airport concession agreement with the City and that draws customers from the Airport, whether it picks up and drops off passengers with its own employees and equipment or otherwise.

N. ♦Public Parking Space♦ means a parking stall or space used by an Off-Airport Parking Operator to park customer vehicles. It does not include the minimum number of spaces or stalls required by law for the disabled, but does include any additional spaces or stalls for the disabled above the minimum number required by law.

O. "Permit" means the ground transportation use agreement provided for in Section 3. of this Ordinance.

P. "Solicit" or "Soliciting" means any action taken at the Airport by an individual or business entity to sell or promote goods or services except as otherwise provided by contract or Permit with the City.

Q. Words and phrases not defined in this Ordinance shall have their customary meanings. Singular terms shall be construed to include the plural, and vice versa.

SECTION 2. Airport Director's Authority:

A. Authorization to Issue Regulations: The Airport Director is hereby authorized to issue regulations in the best interest of the City, the Airport, and the traveling public governing the conduct of Ground Transportation Operators at the Airport. Such regulations, which may be amended from time to time by the Airport Director, shall (1) provide uniform operating requirements consistent with this Ordinance for all Ground Transportation Operators providing similar transportation services; (2) set out a procedure for the collection of payments to the City in accordance with the schedule of rates, fees, and charges provided for in Section 4. below, including, but not limited to billing methods, due dates, interest and penalty charges for late payments, and auditing and reporting requirements; and (3) contain provisions which (a) regulate ingress and egress to and from the entrances to the Airport's property and buildings, (b) preserve good order and peace at the Airport, (c) provide for the public health, safety or welfare or (d) otherwise facilitate the Airport's governance, financial integrity and operation as a service to the public. In the event that an interpretation of any provision of these regulations or rules is required, the Airport Director shall render such interpretation, and his determination shall be considered as final authority on the matter.

B. Authorization to Issue Permits: The Airport Director is hereby authorized to enter into, execute, issue, amend, and renew Permits to Ground Transportation Operators. The Permits shall incorporate the requirements to be established by regulation as provided in Section 2.A. of this Ordinance and shall contain such other terms, covenants, and conditions that are in the best interest of the City, Airport, and the traveling public in order to (1) regulate ingress and egress to and from the entrances to the Airport's property and buildings, (2) preserve good order and peace at the Airport, (3) provide for the public health, safety or welfare or (4) otherwise facilitate the Airport's governance, financial integrity and operation as a service to the public. At the time of issuance or renewal of a Permit, the Airport Director shall specify the time period for validity of the Permit, such period shall not exceed one (1) year.

C. Authorization to Determine Adjusted Gross Receipts: The Airport Director is hereby authorized to establish and specify and later amend, modify or cancel a ♦fixed dollar amount♦, based upon an amount customary in the Airport industry or otherwise to facilitate the Airport♦s governance, financial integrity and operation as a service to the public, to be deducted from Gross Receipts by all Off Airport Rental Car Operators, in order to determine Adjusted Gross Receipts. Beginning September 1, 1998, the monthly ♦fixed dollar amount♦ to be deducted from Gross Receipts shall be ten thousand dollars (\$10,000) per month.

SECTION 3. Ground Transportation Use Agreement (◆Permit◆): No Ground Transportation Operator will be allowed to use Designated Areas at the Airport to conduct its business unless the Ground Transportation Operator has secured a current Permit. Any Ground Transportation Operator that provides multiple services, e.g., a hotel shuttle and an off Airport parking operation will be required to secure multiple Permits. The Ground Transportation Operator's Permit is separate from and does not replace any City, County, State, or Federal licenses, registrations or permits.

SECTION 4. Fees and Charges: Beginning September 1, 1998, all Ground Transportation Operators, Off-Airport Parking Operators, and Off-Airport Rental Car Operators must pay, as a condition precedent to the rights granted to the operator under the Permit, the following fees and charges. If an operator provides multiple services under multiple Permits, fees and charges will be calculated and paid separately for each service for which the operator holds a Permit. For example, if an operator provides multiple services, one of which is an off Airport rental car operation, then the operator must report Gross Receipts from the rental car operation separately and pay the fee for Off-Airport Rental Car Operators accordingly, in addition to calculating and paying separately the fees and charges for each additional service for which the operator hold a Permit.

A. Permit Fee: Every Ground Transportation Operator holding a Permit shall by its terms pay a monthly permit fee in the amount specified below:

1. for charter buses, twenty five (\$25) dollars per bus per entry to the Airport;
2. for Off-Airport Parking Operators, the following fee per Public Parking Space per year, one-twelfth of which is to paid each month:
 - a. From September 1, 1998 through June 30, 1999, \$30.00,
 - b. From September 1, 1999 through June 30, 2000, \$32.00,
 - c. From September 1, 2000 through June 30, 2001, \$34.00,
 - d. From September 1, 2001 through June 30, 2002, \$36.00,
 - e. From September 1, 2002 through June 30, 2003, \$38.00,
 - f. From September 1, 2003 thereafter, \$40.00;

3. for Ground Transportation Operators other than charter buses or Off-Airport Parking Operators, the greater of one hundred fifty dollars (\$150), or thirty dollars (\$30) per vehicle operated at, to or from the Airport by that Ground Transportation Operator in that month; and,

4. for Off Airport Rental Car Operator the greater of the fee specified below or the amount specified in 4.A.3. above each month:

a. From September 1, 1998 through August 31, 1999, the permit fee shall equal six (6) percent of monthly Adjusted Gross Receipts.

b. Beginning September 1, 1999, the permit fee shall equal eight (8) percent of monthly Adjusted Gross Receipts.

B. Fee Waiver for Infrequent Users: In the best interest of the City, the Airport, and the traveling public, the Airport Director may waive in order to facilitate the Airport's governance, financial integrity and operation the permit fees for Ground Transportation Operators, except charter bus operators, whose vehicles only pick up passengers at the Airport 5 (five) times or less a month. Such operators must still obtain a Permit if they use Designated Areas.

SECTION 5. Soliciting: Ground Transportation Operators, Off Airport Rental Car Operators and Off Airport Parking Operators and their agents or representatives shall not Solicit, in any manner, from the Airport terminals, garages and parking lots, roadways or anywhere else on the Airport, except through authorized advertising arranged through the Airport's advertising agent, or as allowed by a written agreement between the City and the Ground Transportation Operator.

SECTION 6. Reports and Audits: The regulations and Permits authorized and established herein shall provide in substance that a) each Ground Transportation Operator, Off Airport Rental Car Operator, and Off Airport Parking Operator will, at its own cost and expense, provide the Airport Director such documentation as needed and required by the Airport Director to verify the fee amounts due and payable, and b) reserve for the Airport Director the right to audit documents, records, and receipts for the purpose of verifying the fee amounts due and payable, including, but not limited to the right to verify Gross Receipts of Off-Airport Rental Car Operators and the number of Public Parking Spaces devoted to off-Airport parking.

SECTION 7. Denial, Suspension or Revocation of Permit:

A. The Airport Director may deny a Permit to any Ground Transportation Operator that has had a Permit revoked, or that is owned, operated, or substantially controlled by any person or entity that owned, operated or substantially controlled a Ground Transportation Operator that had a Permit revoked, or that fails to complete required application forms and provide required information, or otherwise for good cause.

B. The Airport Director may suspend or revoke Permits issued pursuant to this Ordinance for (1) failure to pay fees established or authorized pursuant to this Ordinance; (2) failure to comply with rules and regulations established or authorized pursuant to this Ordinance; or (3) failure to comply with any other rule, regulation, or ordinance of the City or Airport Authority or any federal, state, or local law or ordinance applicable to the Permit holder; or (4) failure to comply with the terms, covenants or conditions of their Permit or otherwise for good cause.

SECTION 8. Challenges and Appeals: If the Airport Director denies a permit application, suspends or revokes a Permit, the Ground Transportation Operator whose Permit has been denied, suspended, or revoked may upon written request (a) obtain a written statement from the Airport Director providing the basis of the denial, suspension, or revocation and (b) appeal that denial, suspension, or revocation in writing and appear before the Airport Director to argue the appeal.

SECTION 9. Severability: The sections, conditions, or provisions of this Ordinance or portions thereof shall be severable. If any section, condition, or provision of this Ordinance or portion thereof contained herein is held invalid by a court of competent jurisdiction, such holding shall not invalidate the remaining parts of this Ordinance.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
05/15/98	05/15/98	T&C		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
06/12/98			06/19/98	06/19/98
ORDINANCE	VETOED		VETO OVR	

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